

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

CURTIS JAMES MCGUIRE	§	
VS.	§	CIVIL ACTION NO. 1:23-CV-313
SAN SABA UNIT CORRECTIONAL SECURITY STAFF	§	

MEMORANDUM OPINION REGARDING VENUE

Plaintiff, Curtis James McGuire, an inmate currently incarcerated at the San Saba Unit in San Saba, Texas, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against the defendants, unit correctional security staff at the San Saba Unit.

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

Venue in a civil rights action is determined pursuant to 28 U.S.C. § 1391(b). When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where all the defendants reside or in which a substantial part of the events or omissions giving rise to the claim occurred.

Plaintiff's complaint pertains to events at the San Saba Unit in San Saba, Texas. San Saba is located in the Western District of Texas, Austin Division. It is clear that all of the events or omissions giving rise to his claims occurred in the Western District of Texas, Austin Division. Venue, therefore, is not proper in the Eastern District of Texas, Beaumont Division.

When venue is not proper, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). Plaintiff’s claims should be transferred to the Western District of Texas, Austin Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this the 23rd day of August, 2023.

A handwritten signature in black ink, appearing to read 'C. Stetson', written over a horizontal line.

Christine L Stetson
UNITED STATES MAGISTRATE JUDGE